

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2978

Introduced by Assembly Member Soto

February 22, 2008

An act to amend ~~Section 2045 of the Family Code~~ *Section 1520.5 of the Health and Safety Code*, relating to ~~domestic relations~~ *residential care facilities*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2978, as amended, Soto. ~~Domestic relations. Residential care facilities: overconcentration.~~

Existing law provides that at least 45 days before the State Department of Social Services approves the application for a new residential care facility, the director or the county licensing agency must notify, in writing, the planning agency of the city or county in which the new facility will be placed of the proposed location. The local planning agency may then request denial of the license on the basis of overconcentration, as defined. Existing law provides that these overconcentration provisions are inapplicable to foster family homes, residential care facilities for the elderly, and transitional shelter care facilities.

This bill would remove these prohibitions and would specifically include residential care facilities for the chronically ill and residential care facilities for the elderly in the definition of residential care facilities for purposes of determining overcrowding. Because the bill would expand the duties of county licensing agencies, it imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides a procedure for the dissolution or nullity of marriage or legal separation of the parties. Existing law permits the court to issue specified orders ex parte during the pendency of the proceeding.~~

~~This bill would make a technical, nonsubstantive change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1520.5 of the Health and Safety Code is
2 amended to read:

3 1520.5. (a) The Legislature hereby declares it to be the policy
4 of the state to prevent overconcentrations of residential care
5 facilities that impair the integrity of residential neighborhoods.
6 Therefore, the director shall deny an application for a new
7 residential care facility license if the director determines that the
8 location is in a proximity to an existing residential care facility
9 that would result in overconcentration.

10 (b) As used in this section, “overconcentration” means that if a
11 new license is issued, there will be residential care facilities that
12 are separated by a distance of 300 feet or less, as measured from
13 any point upon the outside walls of the structures housing those
14 facilities. Based on special local needs and conditions, the director
15 may approve a separation distance of less than 300 feet with the
16 approval of the city or county in which the proposed facility will
17 be located.

18 (c) At least 45 days prior to approving any application for a new
19 residential care facility, the director, or county licensing agency,
20 shall notify, in writing, the planning agency of the city, if the
21 facility is to be located in the city, or the planning agency of the

1 county, if the facility is to be located in an unincorporated area,
2 of the proposed location of the facility.

3 (d) Any city or county may request denial of the license applied
4 for on the basis of overconcentration of residential care facilities.

5 (e) Nothing in this section authorizes the director, on the basis
6 of overconcentration, to refuse to grant a license upon a change
7 of ownership of an existing residential care facility where there is
8 no change in the location of the facility.

9 ~~(f) Foster family homes and residential care facilities for the~~
10 ~~elderly shall not be considered in determining overconcentration~~
11 ~~of residential care facilities, and license applications for those~~
12 ~~facilities shall not be denied upon the basis of overconcentration.~~

13 ~~(g) Any transitional shelter care facility as defined in paragraph~~
14 ~~(11) of subdivision (a) of Section 1502 shall not be considered in~~
15 ~~determining overconcentration of residential care facilities, and~~
16 ~~license applications for those facilities shall not be denied upon~~
17 ~~the basis of overconcentration.~~

18 *(f) For purposes of this section, a residential care facility for*
19 *the chronically ill, as defined in subdivision (j) of Section 1568.01,*
20 *or a residential care facility for the elderly, as defined in*
21 *subdivision (k) of Section 1569.2, shall be included in the definition*
22 *of residential care facility.*

23 *SEC. 2. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. Section 2045 of the Family Code is amended to~~
29 ~~read:~~

30 ~~2045. During the pendency of the proceeding, on application~~
31 ~~of a party in the manner provided by Part 4 (commencing with~~
32 ~~Section 240) of Division 2, the court may issue ex parte any of the~~
33 ~~following orders:~~

34 ~~(a) An order restraining a person from transferring, encumbering,~~
35 ~~hypothecating, concealing, or in any way disposing of any property,~~
36 ~~real or personal, whether community, quasi-community, or~~
37 ~~separate, except in the usual course of business or for the~~
38 ~~necessities of life, and if the order is directed against a party,~~
39 ~~requiring that party to notify the other party of any proposed~~

- 1 ~~extraordinary expenditures and to account to the court for all~~
- 2 ~~extraordinary expenditures:~~
- 3 ~~(b) A protective order, as defined in Section 6218, and any other~~
- 4 ~~order as provided in Article 1 (commencing with Section 6320)~~
- 5 ~~of Chapter 2 of Part 4 of Division 10.~~

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